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person and I don't think that is too great a burden. All you are telling the officer to do is tell this person. The Lincoln Police Division has prepared a statement already which says this, I just happen to have a copy of it with me and it was supplied by a member of the Lincoln Police Division, "39-669.09 of the Nebraska Statutes provides that you shall be permitted to have a physician of your choice evaluate your condition and perform or have performed whatever laboratory tests he deems appropriate in addition to and following the test administered at the direction of the law enforcement officer." That is all that has to be said is something along that line. I don't think it is too much of a burden to have the officers say that, and if they fail to say it, it is not because of mistake, it is because they simply don't want to carry out the requirements of the statute. So I hope that you will not adopt the committee amendment. Then we can discuss on its merits whether or not you think people accused of drunk driving ought to have this kind of option told to them when the statute does say that those options are there. So I am asking that you defeat the committee amendment.

SPEAKER NICHOL: Senator Hoagland.

SENATOR HOAGLAND: I would just like to rise briefly in support of the committee amendment, Mr. Speaker and colleagues. If we fail to adopt the committee amendment, we are going to run the risk of getting into the problem we have had with the exclusionary rule at both the federal and state level for years and years. I agree with Senator Chambers that police officers ought to have an incentive to follow the law and I think his bill is a good provision but the incentive they should have to follow the law should be administrative sanctions of some sort if they don't, not throwing out the evidence against the guilty party. Judge Cardoza, who was a member of the Court of Appeals of the State of New York many, many years ago, observed about the exclusionary rule the irony that if the constable errs the criminal goes free, and what Senator Chambers is suggesting is we should set up a system where if a law enforcement officer errs in failing to advise someone of their rights, the appropriate mechanism is to let the drunk driver go